

**REMARKS**

Applicants reply to the Office Action dated June 17, 2005 within the shortened statutory period for reply. The Examiner rejects all of the pending claims in the subject application, namely claims 1-6, 8-14, 16-25, and 27-28. Upon entry of the foregoing amendments, Applicants amend claim 28. Claims 1-6, 8, 10-14, 16-25, and 27-28 remain pending in the application. Support for the amendments may be found in the originally-filed specification, claims, and figures. No new matter has been introduced by these amendments. Reconsideration of this application is respectfully requested.

**Rejections Under 35 U.S.C. § 112**

The Examiner rejects claim 27 under 35 U.S.C. § 112 stating that it recites a "transaction instrument billing statement", but that this language is unclear and not defined in the specification. (page 2 of the Office Action) Applicants respectfully traverse the rejection. The specification is replete with references to, and examples of, a "billing statement" and in particular "enhanced descriptive billing statements." (See, for example, paragraph 82 of the specification). Examples of enhanced descriptive billing statements include that of Figure 3 which includes an enhanced country club billing American Express® corporate card statement. Another example is the Airline Billing Account statement. (See paragraph 79) Other examples include personal credit card billing statements and other instruments with which one may perform a financial transaction. (See paragraph 8).

Claim 27 merely recites a subset of these enhanced descriptive billing statements, i.e., those statements that provide a billing statement showing transactions performed by a transaction instrument, such as a credit card. Examples of transaction instruments may be found through out the specification which refers to, for example, credit cards such as those offered by American Express®, VISA®, and MasterCard®. (See paragraph 49) The specification also refers to accounts having account numbers and other identifiers located on a rewards card, charge card, credit card, debit card, prepaid card, telephone card, smart card, magnetic stripe card, bar code card, and/or the like and these cards are known in the art as transaction instruments. (See paragraph 38) The specification further refers to "transaction systems" such as digital wallet

systems, loyalty systems, the MR as Currency™ and Loyalty Rewards Systems, a stored value card, and a smart card. (See paragraph 42)

Finally, Applicants note with interest that, despite the Examiner's contention on page 2 that it is not clear what is meant by a "transaction instrument billing statement," on page 6, the Examiner contends that "the well known prior art shows that the descriptive statement includes a transaction instrument billing statement." Thus, a transaction instrument billing statement should be well understood in the art and as these terms are described in the specification. Applicants request the withdrawal of the rejection of claim 27.

The Examiner next rejects claim 28 under 35 U.S.C. § 112 stating that it recites, "said Passenger Name Record", but that claim 3 from which it depends recites "Passenger Name Record data." (See page 2) Applicants have amended claim 28 to include the word "data." Applicants request that the rejection of claim 28 under 35 U.S.C. § 112 be withdrawn.

The Examiner also rejects claim 28 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Examiner contends that the specification does not support a passenger name record (PNR) "having codes included in a comment section of said" PNR. (See page 2) Applicants respectfully traverse the rejection. The specification specifically discusses including fees for non-Computer Reservation System (CRS) services in the PNR record. (See paragraph 61) "[F]ees for non-CRS services are included in the PNR record associated with purchase of a ticket or similar CRS services." *Id.* One of the methods described involves a zero dollar invoice which "contains data that can be interpreted by the automated billing processes for determination of the appropriate fee(s) to be charged." *Id.* Another example in the specification discloses that "when an agent processes a request for emergency travel services, a script can cause a three digit term code to be provided in the remarks field of a zero dollar invoice in the CRS system where the three digit term code can later be interpreted to determine what kind of transaction took place and therefore how much to charge." (See paragraph 61 (emphasis added)) Thus, the specification adequately supports "Passenger Name Record data having codes included in a comment section of said Passenger Name Record data" as recited in claim 28. Applicants respectfully request the withdrawal of the rejection of claim 28.

**Rejections Under 35 U.S.C. § 102(e)**

Claims 3-4 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Udelhoven et al., U.S. Patent Appl. Pub. No. 2002/0077871 ("Udelhoven"). The Examiner contends that Udelhoven discloses "receiving travel reservations, comprising passenger name record data from a CRS, reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on the travel reservations data (e.g., that only airline reservations were selected as in Fig. 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee; and that the charged account is associated with the user profile." (See page 3) Applicants respectfully traverse the rejection.

Udelhoven is limited to disclosing a Graphical User Interface (GUI) that "is capable of interfacing with multiple air, car and hotel reservation systems." (See Abstract) The disclosed Udelhoven system also maintains traveler profiles with traveler's preferences and preferred payment information. Id. Udelhoven only briefly discloses systems surrounding the GUI interface in order to provide context for the operations of the Udelhoven reservation system. Systems such as Financial and Accounting Systems 208 are only briefly discussed in Udelhoven. (See paragraph 37)

The only substantive information disclosed about billing is the very general disclosure of "[f]inancial systems 208 can receive invoice and account data used to bill travel clients for services and tickets provided by the travel service supplier." Id. The only other discussion of billing methods in Udelhoven involves a few sentences stating that a traveler profile might contain information containing a list of the traveler's credit cards and card numbers and which one to charge for air, car, and hotel reservations. (See paragraph 95) However, this disclosure merely discusses selecting which card to bill for a type of reservation. Udelhoven discusses a "payment wrap-up window" where the "fare may be split between two or more payment methods." Id. Nothing further is disclosed about how payment for one flight could be split between two credit cards. Paragraph 101 states that a "service fee wrap-up window" is used to provide a mechanism for a travel counselor to add a service fee to a selected fare. Nothing further is disclosed about how such a service fee is to be billed or reconciled.

Moreover, a text search of the Udelhoven reference could not find the words "Passenger Name Record" in the disclosure or any equivalent statement. Significantly, the Examiner has still not pointed out his basis for stating that Udelhoven discloses passenger name record data. Udelhoven does not disclose more than standard flight booking and billing processes. Udelhoven does not disclose anything about the process employed to make a payment for the purchased flight, beyond the fact that payment may eventually be made using a credit card listed in the user's profile. (See, e.g., paragraph 95) Applicants note that a Passenger Name Record is not even created until a flight is reserved, and, as explained above, Udelhoven does not venture into any substantive discussion of the post-flight reservation processes. If the Examiner still believes that a Passenger Name Record is disclosed in Udelhoven, Applicants again respectfully request that the Examiner cite the Udelhoven paragraph numbers disclosing "determining said fee based upon a Passenger Name Record," as recited by independent claim 3. Applicants note that even though a CRS system may work with PNR's, Udelhoven does not disclose use of PNR's to determine a fee.

Moreover, Udelhoven discloses that a travel agent might use the Udelhoven system to book a flight for a customer and, in some cases, the travel agent may wish to charge a fee for that service. (See, paragraph 101) However, Udelhoven does not disclose or suggest determining the fee itself, or doing so based on a user profile, or doing so based on both a user profile and PNR data. Thus, Udelhoven does not disclose or suggest "determining said fee based upon said Passenger Name Record data and said user profile, wherein said fee represents an extra charge related to said travel-related transaction in addition to said cost" as recited in independent claim 3.

Claim 4 depends from independent claim 3, therefore claim 4 is differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of its own respective features. Applicants respectfully request withdrawal of the rejection of claims 3-4 under 35 U.S.C. § 102(e).

#### **Rejections Under 35 U.S.C. § 103**

Claims 1, 2, 5, 6, 8, 10-14, 16, 18-25, 27 and 28 stand rejected under 35 U.S.C. § 103 as being unpatentable over Udelhoven. The Examiner asserts that Udelhoven discloses "receiving

travel reservations [sic] data from a CRS, reservations data facilitating charging a fee; obtaining a user profile; charging an account for a travel cost; determining a fee based on travel reservation data (e.g., that only airline reservations were selected as in 6V) and the user profile (e.g., credit card number, name to be charged); charging the fee; and providing a billing statement.” (See page 4) Although the Examiner acknowledges that Udelhoven does not disclose “that the billing statement shows the travel cost, separately shows the fee, and recites indicia indication (sic) that they are related,” the Examiner contends that such is well known in the art. *Id.* Applicants respectfully traverse the rejection.

The Examiner cites by way of example that Expedia.com bills the travel cost and service fee as two separate charges and the service fee line item describes that it is the service fee for the reservations. *Id.* However, the Examiner has not provided an example of such a bill, and it is unclear whether he is referring to a bill on a credit card statement or some other billing. It is also unclear when Expedia.com implemented this alleged activity.

Regardless of Expedia.com’s billings, the Examiner has not pointed to any disclosure or teaching in Udelhoven that suggests the use of an enhanced descriptive billing statement. Moreover, Udelhoven’s disclosure teaches away from facilitating reconciliation of two charges on a billing statement. (See paragraph 95) With regard to billing, Udelhoven is limited to a specific method of making it possible to split a charge for a reservation onto two different cards, with no teaching of reconciliation information. *Id.* Thus, it would be more difficult for a traveler to reconcile expenses. In addition, there is no teaching about reconciling fees to the fares for reservations. Thus, Udelhoven does not teach, suggest or disclose at least, “providing an enhanced descriptive billing statement, wherein said enhanced descriptive billing statement: (i) recites said cost related to said travel-related transaction; (ii) separately recites said fee; and (iii) recites indicia indicating that said fee and said cost are related to each other;” as recited in amended claim 1.

Claims 2, 5, 6, 10, and 27 variously depend from independent claim 1, therefore claims 2, 5, 6, 10, and 27 are differentiated from the cited references for at least the same reasons as set forth above, as well as in view of their own respective features. Applicants respectfully request the withdrawal of the rejections under 35 U.S.C. § 103.

As discussed above, Udelhoven at best teaches away from reconciling charges. Udelhoven certainly does not teach or suggest reconciling charges and the Examiner has not cited any part of Udelhoven that does teach such reconciliation on a billing statement. Furthermore, Udelhoven does not teach determining a fee based on both a user profile AND data from an accounting system. Thus, Udelhoven does not teach, suggest or disclose at least "means for providing reconciliation information that is configured to facilitate reconciling said fee to the related purchase on a billing statement for said account" nor "means for determining a fee ... based on said user profile and data," as recited in independent claim 11.

Claims 12-14 and 16 variously depend from independent claim 11, therefore claims 12-14 and 16 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

Applicants also object to the Examiner's frequent use of "well known prior art" where the Examiner provides no citation in Udelhoven that would suggest looking to such prior art. In fact, Applicants assert that the Examiner could not cite to such a reference in Udelhoven because Udelhoven does not attempt to address billing issues. Thus, there is no motivation to combine such alleged "well known prior art" with Udelhoven, and the Examiner is merely using the Applicants' claims as a road map and filling in missing elements in Udelhoven by asserting that those elements are "well known." For example, the Examiner states, "the well known prior art assists the credit entity by (sic) in reconciliation by providing the charge and fee separately and providing text relating to them." (Page 5 of the Office Action) Applicants assert that this argument is legally insufficient to support a rejection.

With respect to independent claim 23, the Examiner admits that Udelhoven does not disclose "receiving a billing statement" including a separate fee charged for the transaction and "wherein the fee is reconciled with" associated transaction costs in said account billing statement. (See pages 5-6 of the Office Action) However, the Examiner asserts that to do so is notoriously old and well known in the art. Id. Applicants respectfully traverse the rejection.

As set forth in more detail above, Udelhoven teaches away from reconciling charges by teaching that one can split charges up onto different credit cards. Udelhoven does not teach or suggest at least "receiving an account billing statement including a separate fee charged for the

transaction . . . , wherein said fee is reconciled with associated transaction costs in said account billing statement," as recited in independent claim 23.

Claims 24-25 variously depend from independent claim 23, therefore claims 24-25 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

With respect to claim 28, the Examiner states that Udelhoven discloses "a PNR with codes in a comment section." (Page 6 of the Office Action). As set forth above, Applicants respectfully request that the Examiner cite the paragraph where PNR data is discussed and more specifically where codes are discussed that are placed in a comment section of the PNR data. It simply is not disclosed, taught or even suggested in Udelhoven. Thus, Udelhoven does not disclose or suggest "said Passenger Name Record data," as recited in claim 28. Moreover, claim 28 depends from independent claim 3, therefore claim 28 is differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

Claims 17 stands rejected under 35 U.S.C. § 102(e) or alternatively under 35 U.S.C. § 103 as being unpatentable over Udelhoven. The Examiner asserts that the disclosure in Udelhoven includes that the system will consult a traveler profile to determine which card to charge. (See page 7 of the Office Action) Determining which card to charge is completely irrelevant to claim 17. As discussed above, Udelhoven does not disclose or suggest at least "comparing said Passenger Name Record data to information in said user profile to determine a fee to be charged", as recited in independent claim 17.

Claims 20-22 variously depend from independent claim 17, therefore claims 20-22 are differentiated from the cited reference for at least the same reasons as set forth above, as well as in view of their own respective features.

### **Conclusion**

In view of the above remarks and amendments, Applicants respectfully submit that all pending claims properly set forth that which Applicants regard as their invention and are allowable over the cited references. Accordingly, Applicants respectfully request allowance of

the pending claims. The Examiner is invited to telephone the undersigned at (602)382-6367 at the Examiner's convenience, if that would help further prosecution of the subject Application. Applicants authorize and respectfully request that any fees due be charged to Deposit Account No. 19-2814. **This statement does NOT authorize charge of the issue fee.**

Dated: 8-25-05

Respectfully submitted,

By



John H. Platt

Reg. No. 47,863

**SNELL & WILMER L.L.P.**

One Arizona Center

400 East Van Buren

Phoenix, Arizona 85004-2202

Telephone: (602) 382-6367

Facsimile: (602) 382-6070